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Implementation of human rights instruments

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Chairs of the human rights treaty bodies on their twenty-eighth meeting, held in New York from 30 May to 3 June 2016, pursuant to Assembly resolution 57/202.

* A/71/150.

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Report of the Chairs of the human rights treaty bodies on their twenty-eighth meeting

Summary

The General Assembly, in its resolution 57/202, requested the Secretary-General to submit to the Assembly the reports of the Chairs of the human rights treaty bodies on their periodic meetings, convened annually pursuant to Assembly resolution 49/178. The present document contains the report of the twenty-eighth meeting of the Chairs of the treaty bodies, which was held from 30 May to 3 June 2016. The meeting convened in New York in the light of the call of the Assembly in its resolution 68/268 for strengthened interaction with States and in view of the presentation by the Secretary-General of the first biennial report on the implementation of that resolution to the seventy-first session of the Assembly (A/71/118). In addition to considering treaty body working methods, the Chairs discussed enhanced cooperation with the President of the Inter-American Commission on Human Rights and the Chair of the Global Alliance of National Human Rights Institutions. They also held consultations with States, civil society organizations and United Nations entities. The decisions and recommendations of the Chairs are contained in section XII of the present report.

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I. Introduction

1. The twenty-eighth meeting of the Chairs of the human rights treaty bodies was held in New York from 30 May to 3 June 2016. The meeting of Chairs is a forum for the Chairs of treaty bodies to maintain communication and dialogue with each other on common issues and problems, first called for by the General Assembly in 1983 in its resolution 38/117. The Assembly, in its resolution 57/202, requested the Secretary-General to submit to the Assembly the reports of the Chairs of the human rights treaty bodies on their periodic meetings. In its resolution 68/268, paragraph 38, the Assembly further encouraged the human rights treaty bodies, with a view to accelerating the harmonization of the treaty body system, to continue to enhance the role of their Chairs in relation to procedural matters, including with respect to formulating conclusions on issues related to working methods and procedural matters, promptly generalizing good practices and methodologies among all treaty bodies, ensuring coherence across the treaty bodies and standardizing working methods.

2. The Chairs' meetings, convened annually pursuant to General Assembly resolution 49/178, are generally held on a rotating basis in Geneva, New York and the regions. The meeting for 2016 was held in New York upon recommendation by the Chairs in view of the presentation by the Secretary-General of the first biennial report on the implementation of resolution 68/268 to the seventy-first session of the Assembly, entitled "Status of the human rights treaty body system" (A/71/118).

3. The following documents served as background to the meeting:

(a) Provisional agenda and annotations (HRI/MC/2016/1);

(b) Note by the Secretariat on timely, late and non-reporting by States parties to the human rights treaty bodies (HRI/MC/2016/2);

(c) Informal background paper by the Office of the United Nations High Commissioner on Human Rights (OHCHR) on the engagement of national human rights institutions with the United Nations human rights treaty bodies.[1]

II. Organization of the meeting

4. The meeting was attended by the following Chairs: Anastasia Crickley, Committee on the Elimination of Racial Discrimination; Waleed Sadi, Committee on Economic, Social and Cultural Rights; Fabian Salvioli, Human Rights Committee; Yoko Hayashi, Committee on the Elimination of Discrimination against Women; Benyam Dawit Mezmur, Committee on the Rights of the Child; Jose Brillantes, Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families; Jens Modvig, Committee against Torture; Malcolm Evans, Subcommittee on Prevention of Torture; María Soledad Cisternas Reyes, Committee on the Rights of Persons with Disabilities; and Emmanuel Decaux, Committee on Enforced Disappearances.

5. The Director of the Human Rights Treaties Division of OHCHR, Ibrahim Salama, opened the meeting and welcomed the Chairs. The Chief of the Capacity-

[1] See webpage of the annual meeting of treaty body Chairpersons of the OHCHR website. Available from ohchr.org/EN/HRBodies/AnnualMeeting/Pages/MeetingChairpersons.aspx.

Building and Harmonization Section of the Human Rights Treaties Division of OHCHR, Paulo David, delivered a statement in which he emphasized that the 2016 meeting of treaty body Chairs coincided with the second anniversary of the adoption by the General Assembly of resolution 68/268 on strengthening and enhancing the effective function of the human rights treaty body system and with the first biennial report by the Secretary-General to the Assembly on the implementation of that resolution. He also stated that the annual meeting was an opportunity for the Chairs to reflect on their spearheading role in facilitating the harmonization of treaty bodies' working methods for the benefit of right-holders, as encouraged by the Assembly in resolution 68/268.

6. Subsequently, Mr. David proceeded with the election of officers, referring to the list of former Chairs and Vice Chairs of the annual meetings provided by OHCHR. Based on the principle of rotation, the Chair of the Human Rights Committee, Mr. Salvioli, was elected Chair-Rapporteur of the twenty-eighth meeting, and the Chair of the Committee on Economic, Social and Cultural Rights, Mr. Sadi, was elected Vice-Chair, by acclamation.

7. In his opening statement, the incoming Chair welcomed the three newly appointed Chairs to their first meeting of treaty body Chairs. He expressed his commitment to preserving and deepening the spirit of collegiality, commitment and leadership that had characterized Chairs' meetings in past years. The Chair of the twenty-eighth meeting also noted that the Chairs were meeting for the first time in New York since the adoption of General Assembly resolution 68/268 in April 2014, and that the location provided the Chairs with a unique opportunity to raise awareness of the work of the treaty bodies at United Nations Headquarters with States and to strengthen their partnership with United Nations entities and civil society representatives.

8. Following the adoption of the provisional agenda and annotations and the programme of work, the incoming Chair thanked the outgoing Chair for his excellent leadership and commitment over the past year and invited him to make a statement. The outgoing Chair, Mr. Decaux, emphasized the responsibility of the treaty bodies as guardians of the treaties they monitored as well as guarantors of the coherence of international human rights law. The imperative of universal ratification placed the treaty bodies at the heart of the human rights protection system, and he recalled the responsibility of the Secretary-General to provide the treaty bodies with the staff and material means necessary to carry out their functions. Mr. Decaux then gave an overview of the results achieved at the previous Chairs' meeting in San José, Costa Rica, in June 2015, and reported that he had briefed States at an informal meeting organized by the Permanent Missions of Costa Rica and Switzerland in Geneva. At their twenty-seventh meeting, the Chairs had noted with great interest the call of the Minister for Foreign Affairs of Costa Rica to the academic world to contribute actively to the review of the treaty body system by the General Assembly in 2020.

9. Mr. Decaux recalled that, at their twenty-seventh meeting, in the area of working methods, the Chairs had endorsed the guidelines against intimidation or reprisals (San José guidelines). By doing so, they had sent a strong signal that the intimidation of individuals and groups cooperating with the treaty bodies was unacceptable. Following the adoption of the guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines)

in 2012, the San José guidelines were another key policy instrument that reinforced the treaty body system and duly protected all parties that cooperated with it. Mr. Decaux expressed the hope that the three treaty bodies that had not yet done so would soon adopt the San José guidelines.

10. At their meeting in San José, the Chairs also adopted a statement on human rights and the 2030 Agenda for Sustainable Development at a critical time in the negotiations process, calling for a robust accountability framework for the implementation of the Sustainable Development Goals that should include information from the treaty bodies. Mr. Decaux highlighted the proposals by the treaty body Chairs for strengthened cooperation of the treaty bodies with the Inter-American Commission on Human Rights as a key outcome of the previous Chairs' meeting, which was already yielding practical results.

11. Finally, Mr. Decaux stated that the growing recognition of the role of the treaty bodies came with a great responsibility for all treaty bodies to make the system more accessible, coherent and united. It was essential that the Chairs continued to play a leading role in bringing greater coherence to the system, generalizing good practices and harmonizing treaty body working methods in the spirit of General Assembly resolution 68/268.

III. Reporting compliance by States parties

12. The meeting had before it the note by the Secretariat on timely, late and non-reporting by States parties to the human rights treaty bodies. At their twenty-fifth meeting, the Chairs had decided to include the topic as a standing item on the agenda of the annual meeting of Chairs.

13. The Chairs noted that the issue of late and non-reporting by States parties gravely undermined the effectiveness of the treaty body system. In that regard, several Chairs noted that the practice of some treaty bodies of examining States parties in the absence of a report was positive. Upon being notified that they would be examined even without a State party report, a number of States parties had requested an extension of the deadline and submitted a report. The Chairs were of the view that, in the case of a review in the absence of a State party report, the State party should still be encouraged to appoint a delegation to participate in the constructive dialogue. The Chairs also discussed whether the simplified reporting procedure could be a way to address the problem of late and non-reporting and in that regard recommended that treaty bodies harmonize their procedures when necessary.

14. The Chairs also discussed the importance of bringing the issue of late and non-reporting States to the attention of the General Assembly with a view to reminding all States of their legal obligation to report to the treaty bodies. The Chairs welcomed the technical assistance and advisory services provided by the OHCHR treaty body capacity-building programme, established pursuant to General Assembly resolution 68/268, as an important tool to increase reporting compliance, in particular when States faced severe capacity constraints in complying with their reporting obligations.

IV. Adoption and implementation by treaty bodies of the guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines)

15. At their twenty-fourth annual meeting in June 2012, the Chairs endorsed the guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines) (A/67/222 and Corr.1, annex I) and strongly recommended that they be promptly adopted by their respective treaty bodies.

16. Each Chair gave an overview of the operationalization of the Addis Ababa guidelines in her or his respective treaty body and shared current practices to safeguard the principles of independence and impartiality of treaty body members, such as the non-participation of treaty body members in the preparation and participation of the constructive dialogue, in the drafting and adoption of concluding observations and in the examination of communications that related to their own country or countries of nationality.

17. The Chairs also pointed out that real or perceived conflicts of interest and challenges to the requirements of independence and impartiality could be generated by factors other than a treaty body member's nationality and place of residence. Therefore, a careful analysis of the participation of a member in the various stages of the reporting process was necessary to ensure that the real and perceived neutrality and impartiality of treaty body members would not be compromised.

18. Several Chairs pointed out that States parties carried the ultimate responsibility for ensuring the independence and impartiality of treaty body members at the level of treaty body members' election and nomination. In that context, the Chairs reiterated that States should refrain from nominating or electing persons to the treaty bodies whose independence and impartiality was compromised by the political nature of their affiliation with the executive branch of the State.

V. Adoption and implementation by treaty bodies of the guidelines against intimidation or reprisals (San José guidelines)

19. At their twenty-sixth meeting, the Chairs had decided to develop and to adopt, at their twenty-seventh meeting, a joint treaty body policy against reprisals (see A/69/285, para. 111). At their twenty-seventh meeting, the treaty body Chairs unanimously endorsed the guidelines against intimidation and reprisals (San José guidelines) (HRI/MC/2015/6) and recommended their adoption by all treaty bodies.

20. As at 31 May 2016, seven of the treaty bodies had already adopted the San José guidelines. The Committee on Economic, Social and Cultural Rights and the Human Rights Committee had not yet adopted the guidelines, while the Committee on the Elimination of Discrimination against Women, in its decision 61/II, had taken note of the guidelines and decided to consider them further with a view to adapting and developing them to best reflect the treaty body's particular context, mandate and experience (see A/71/38).

21. The Chairs of the treaty bodies that had adopted the San José guidelines gave an overview of the implementation of the guidelines in their respective treaty

bodies. The Chairs then welcomed the appointment of rapporteur(s) or focal point(s) on reprisals in the respective treaty bodies. Recalling General Assembly resolution 68/268, which encouraged the treaty bodies to harmonize their working methods, the Chairs expressed the view that their endorsement of the San José guidelines was a procedural matter, as the endorsement sought to harmonize the treaty body system's response to intimidation and reprisals against individuals or groups cooperating with the treaty bodies. The Chairs noted that the guidelines did not create any additional obligations for States and should not be interpreted as the creation of a new complaint procedure. The mere fact that State parties assumed obligations to report to and cooperate with treaty bodies prohibited them from engaging in intimidation or reprisals. Several Chairs also noted that some human rights instruments explicitly recognized that obligation.[2]

22. The Chairs also noted that treaty body members could be victims of reprisals. In that regard, the Chairs noted that the protection of the San José guidelines extended to treaty body members as well.

VI. Implementation of General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system

A. Common core document

23. The Chairs considered possible follow-up by the treaty body system to paragraph 3 of General Assembly resolution 68/268, in which the Assembly encouraged States parties to consider submitting a common core document and updating it as appropriate, as a comprehensive document or in the form of an addendum to the original document, bearing in mind the most recent developments in the particular State party, and in that regard encouraged the human rights treaty bodies to further elaborate their existing guidelines on the common core document in a clear and consistent manner.

24. The Chairs were presented with the statistics on common core documents as at 31 December 2015: since the adoption of the revised guidelines on the common core document in 2006, 92 States parties had submitted a common core document.[3] Of the States parties that had submitted more than one common core document, six had done so in the form of an addendum updating the previous document.

25. The Chairs acknowledged with appreciation the efforts by States parties to submit and update the common core document for use by the treaty bodies. They discussed the extent to which their respective treaty bodies were using the common core document in the preparation of and during the State party review. After discussing several options, the Chairs agreed that the time was not ripe for

[2] Including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the International Convention for the Protection of All Persons from Enforced Disappearance; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

[3] States having submitted two or more common core documents after 2006 are counted only once.

amending the existing guidelines on the common core document, in particular in the light of the 2020 review of the treaty body system by the General Assembly. Instead, they decided to encourage States parties to ensure the common core document submitted was focused, streamlined and short. The Chairs also pointed out that States parties should be encouraged to regularly update the information provided in the common core document and make use of the possibility to present an addendum to their existing common core document, as mentioned in resolution 68/268.

B. Report of the Secretary-General on the implementation of General Assembly resolution 68/268

26. In paragraph 40 of resolution 68/268, the General Assembly requested the Secretary-General to submit to the Assembly, on a biennial basis, a comprehensive report on the status of the human rights treaty body system and the progress achieved by the human rights treaty bodies in realizing greater efficiency and effectiveness in their work, including the number of reports submitted and reviewed by the committees, the visits undertaken and the individual communications received and reviewed, where applicable, the state of the backlog, capacity-building efforts and the results achieved, as well as the situation in terms of ratifications, increased reporting and the allocation of meeting time and proposals on measures, including on the basis of information and observations from Member States, to enhance the engagement of all States parties in the dialogue with the treaty bodies.

27. Under the agenda item, information was to be provided by OHCHR for the report, to be submitted to the Assembly at its seventy-first session for its consideration. The Chairs regretted that resolution 68/268 limited itself to the functioning of the treaty body system, which was not merely a technical matter, and encouraged the Assembly and all stakeholders to consider the degree of implementation at the national level of treaty body recommendations and decisions.

28. While the Chairs welcomed all initiatives seeking to collect ideas in the light of the review of the treaty body system by the General Assembly stipulated by paragraph 41 of resolution 68/268, the Chairs made it clear that the views of the treaty bodies and their Chairs should be sought in all such processes. In that context, some Chairs called for an overall reflection on the way in which treaty bodies operated and the possibility of improving their efficiency.

VII. Engagement of national human rights institutions with the treaty bodies

29. The meeting had before it three informal documents[4] prepared to facilitate the Chairs' consideration of the agenda item:

(a) Informal background paper by OHCHR on the engagement of national human rights institutions with the United Nations human rights treaty bodies,

[4] The first two papers can be found on the webpage of the annual meeting of treaty body Chairpersons of the OHCHR website: ohchr.org/EN/HRBodies/AnnualMeeting/Pages/MeetingChairpersons.aspx.

presenting an overview of current treaty body practices for interaction with national human rights institutions;

(b) Background paper by the Global Alliance of National Human Rights Institutions, prepared at the request of the previous Chair of the annual meeting of treaty body Chairs, Mr. Decaux;

(c) Internal paper by Mr. Salvioli, Chair of the Human Rights Committee, on optimizing the relationship between the human rights treaty bodies and national human rights institutions.

30. The treaty body Chairs held a dialogue with Beate Rudolf, Chair of the Global Alliance of National Human Rights Institutions, on the Alliance's findings and suggestions to enhance the engagement of national human rights institutions with the treaty bodies. The Alliance had surveyed national human rights institutions in all regions to identify experiences and challenges remaining; 38 responses had been received. The background paper was prepared by the Alliance on the basis of the survey.

31. Mrs. Rudolf underscored the long-standing and productive cooperation between human rights treaty bodies and national human rights institutions and their complementary role in promoting and protecting human rights worldwide. She outlined the current possibilities for the engagement of national human rights institutions with each of the treaty bodies, including the possibility of speaking in a formal capacity during the public meeting with the State party in some treaty bodies. She also described ways in which national human rights institutions contributed to the work of the treaty bodies, such as helping the treaty bodies to formulate targeted recommendations, filing amicus briefs and following up on the concluding observations, inquiries and individual communications, all of which contributed to the implementation of international human rights treaties at the national level. She reported that the survey indicated that there was a need to harmonize the working methods of the treaty bodies, bearing in mind the specificities of their mandates.

32. In the survey, national human rights institutions also encouraged all treaty bodies to take due account of the independent status of national human rights institutions that were compliant with the Paris Principles, the particular role and legal mandates of national human rights institutions in national human rights protection and the contribution they could make to the treaty monitoring process. Responding to a query on the accreditation system of the Alliance, Mrs. Rudolf noted that in recent years the Alliance, through its subcommittee on accreditation and in cooperation with OHCHR, had strengthened its accreditation system into a robust, transparent and fair process. For instance, the sources of information on the basis of which the compliance of national human rights institutions with the Paris Principles was assessed had been reviewed and diversified.

33. The Alliance welcomed the endorsement of the San José guidelines by the treaty body Chairs and their adoption by the treaty bodies. The Alliance was interested in further exploring ways in which national human rights institutions could be protected in the event of threats or reprisals. Mrs. Rudolf stressed that the treaty bodies played an important role in addressing cases of reprisals, including those faced by national human rights institutions.

34. The Chair of the twenty-eighth meeting of treaty body Chairs proposed that the harmonization of treaty bodies' engagement with national human rights institutions be further explored at the twenty-ninth annual meeting of Chairs.

VIII. Remedies

35. The meeting had before it an internal informal paper prepared by Mr. Salvioli to facilitate the Chairs' consideration of the agenda item, entitled "Determining reparations in the individual communications procedure".

36. The Chairs discussed remedies in the context of individual communications and reported on the treaty bodies' respective jurisprudence, which showed divergence both in the terminology used and the measures recommended by the treaty bodies.

37. The Chairs agreed that there was a need to compare the jurisprudence of the respective treaty bodies, with the objective of distilling good practices and establishing the full range of remedies that could guide the treaty bodies in their decisions, including measures of restitution, monetary compensation, rehabilitation measures, satisfaction measures and guarantees of non-repetition.

IX. Inquiries: confidentiality versus publicity

38. Since several new inquiry procedures had been recently established, the Chairs exchanged experiences and practices regarding the confidential nature of the inquiry proceedings. An inquiry was triggered when reliable information was received indicating grave or systematic human rights violations. The treaty body might subsequently initiate an inquiry, conduct a country visit and issue a report with its findings.

39. The Chairs discussed the difficulty of maintaining confidentiality concerning the decision to initiate an inquiry owing to the visibility and publicity such an inquiry usually attracted. The Chairs broadly agreed that while all treaty bodies should maintain absolute confidentiality throughout the proceedings, public disclosure of the treaty body's findings, in some form and at the end of the inquiry proceedings (after the dialogue with States), was essential to ensure a victim-oriented approach.

X. Consultations

A. Consultation with States parties

40. In paragraph 39 of its resolution 68/268, the General Assembly encouraged the human rights treaty bodies to strengthen the possibilities for interaction during the annual meetings of the Chairs of the treaty bodies with States parties to all human rights treaties, held in Geneva and New York, with a view to ensuring a forum for an open and formal interactive dialogue.

41. The Chairs held consultations with States parties on 1 June 2016. In his introductory statement, the Chair of the twenty-eighth meeting of treaty bodies gave

an overview of the themes of the Chairs' meeting. He thanked States for the support given to the treaty body system through General Assembly resolution 68/268. He reported that the treaty bodies were carrying a heavy workload, including 20 additional weeks of meeting time resulting from the resolution which the treaty bodies had welcomed. Giving the example of the simplified reporting procedure, he underscored that progress was also being made in the area of working methods. He then identified a number of challenges for the treaty body system, including the reduction in 2014 of OHCHR support for the Treaties Division in the form of a reduction in extrabudgetary staff, the increase in the number of complaints received and the word limit on documentation. The Chair noted that, in 2015, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights had marked their fiftieth anniversaries and that, in 2016, it had been 10 years since the adoption of the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance. Each of the Chairs then took the floor to introduce the treaty body they represented.

42. In the exchange that followed, numerous States voiced strong support for the work of the treaty bodies and expressed appreciation for the guidance offered through the concluding observations. All States who took the floor also welcomed the timely opportunity to interact with the Chairs following the adoption of General Assembly resolution 68/268 in 2014. Many State representatives expressed the hope that the opportunity for dialogue in New York would be renewed at future Chairs' meetings and expressed their continued commitment to the treaty body system in the Assembly.

43. Numerous speakers expressed a keen interest in the implementation of resolution 68/268 and said they were looking forward to the first biennial report of the Secretary-General to be submitted to the seventy-first session of the General Assembly. Several speakers queried the Chairs about their views on progress in the implementation of resolution 68/268. Specific questions were asked about the consistency in treaty body working methods, in particular with respect to the modalities for the implementation of the simplified reporting procedure, the time attributed to treaty body members and State party delegations in the constructive dialogue, the concrete nature and length of concluding observations and the use by treaty bodies of the common core document. States welcomed the adoption by the treaty bodies of the simplified reporting procedures and called for the speaking time during the constructive dialogue to be attributed in a balanced manner that would allow States to respond to all questions from treaty body members.

44. Some States expressed the view that a number of the objectives of resolution 68/268 still remained to be met, making specific reference to adding a general debate to the agendas of conferences of States parties and ensuring consistent quality of the State party review. Some States expressed concern regarding requests for information addressed to States by treaty bodies outside the State party review. In the light of the increasing number of individual complaints, the question was also raised as to how to enhance the effectiveness of treaty bodies in examining individual complaints.

45. The endorsement by the Chairs of the guidelines against intimidation or reprisals in San José in June 2015 was the subject of numerous statements. While some speakers stressed the importance of ensuring that all stakeholders could

engage with the treaty bodies without fear of intimidation or reprisals, some State representatives expressed the view that the Chairs had broadened their mandate by endorsing the San José guidelines and that the guidelines created new obligations for States by setting up a new complaints mechanism. Those representatives also stressed the fact that no input from States had been sought in the drafting of the guidelines and that the process of their elaboration had not been open or transparent.

46. The treaty body Chairs clarified that the meeting of Chairs had not exceeded its mandate by endorsing the San José guidelines, since the decision to adopt the guidelines remained with the respective treaty bodies. The Chairs also recalled that several treaties contained explicit provisions spelling out the responsibility of State parties to ensure that individuals under its jurisdiction were not subjected to any form of ill treatment or intimidation as a consequence of communicating with the treaty body. In addition, the Chairs conveyed that their endorsement of the San José guidelines concerned a procedural matter that addressed a practical, methodological question related to working methods and was not politically motivated. They emphasized that the guidelines did not constitute a new legal standard, but merely sought to harmonize practices and bring coherence to the treaty bodies' response to reprisals, thereby making the treaty body system more streamlined and effective, as they were encouraged to do in General Assembly resolution 68/268. Finally, it was noted that the guidelines favoured a diplomatic solution to situations of reprisals.

47. In reference to paragraph 41 of resolution 68/268, in which the General Assembly decided to review the effectiveness of all measures taken no later than six years following the adoption of the resolution, several States inquired about the vision of the treaty body Chairs to further improve the system in the light of that review in 2020, and how the sustainability of the treaty bodies could be ensured. Several States expressed the view that a new look at the treaty body system was necessary. Some States expressed concern about duplication in the work of the treaty bodies. While some welcomed the role of the Chairs in the endorsement of the guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines), others expressed the view that the independence and impartiality of treaty bodies and their members had not yet been entirely achieved. The Chairs strongly rejected the allegation that treaty body members lacked impartiality.

48. The European Union noted its voluntary contribution to OHCHR to provide webcasts of the treaty bodies' public meetings, a pilot project that was to start in 2016 and would end in 2017. Switzerland noted that it was supporting the treaty body platform of the Geneva Academy for International Humanitarian Law and Human Rights as a means to enhance bilateral cooperation between treaty bodies. It also noted its support for an academic platform coordinated by the Geneva Academy to source new ideas for the future of the treaty body system in view of the 2020 review of the system.

49. Several States welcomed the OHCHR treaty body capacity-building programme, and also inquired about States' demand for technical assistance to facilitate State party reporting to the treaty bodies and to establish national mechanisms for reporting and follow-up. Underscoring the universal application of the treaties, the States' exchange with the Chairs also addressed the question of how to achieve universal ratification, and good practices to increase ratifications were discussed. In addition, the Chairs were asked if the treaty bodies were planning a

joint contribution on the implementation of the 2030 Agenda for Sustainable Development, for example through a joint general comment.

50. The Chair of the Chairs' meeting thanked States for the dialogue and constructive spirit. He expressed the hope that the support that had been expressed for the treaty body system would be reflected in the Third Committee, the Fifth Committee and the General Assembly.

D. Consultation with the Inter-American human rights mechanisms

51. At their twenty-seventh meeting, the Chairs, recognizing the complementarity between the international human rights treaty body system and the Inter-American human rights mechanisms in the protection and promotion of human rights standards, had made proposals to the Inter-American Commission on Human Rights to enhance the cooperation between the two systems (see A/70/302, annex II). The proposals covered the mutual promotion of ratifications; cooperating in the area of individual complaints; thematic cooperation in the progressive development of international law; drawing on each other's jurisprudence; contributing to the State party review; joint advocacy initiatives; and the promotion of the role of national human rights institutions and civil society organizations in the protection against reprisals of individuals and groups cooperating with the international and regional human rights mechanisms.

52. In follow-up to those proposals, the treaty body Chairs held a dialogue with the President of the Inter-American Commission on Human Rights, James Cavallaro. The Chairs started by conveying their concern regarding the financial crisis affecting the Commission and expressed their solidarity with the Commission and its secretariat. Mr. Cavallaro stated that the entire human rights protection system would be threatened if the regional human rights body were to disappear.

53. Mr. Cavallaro then gave an overview of the themes that were currently under discussion by the Commission: the rights of children and adolescents in the media; national protection mechanisms for human rights defenders; poverty; and police violence. He also expressed concern regarding the increasing number of reprisals against human rights defenders in the Americas.

54. The concrete actions taken by the treaty bodies in the past year to enhance cooperation with the Commission as well as with other regional organizations were highlighted. Such actions included the sharing of jurisprudence and analysis; bilateral contacts on thematic issues; joint press statements; the appointment in some treaty bodies of focal points for cooperation; and exchanges on good practices in the area of working methods. Further progress could still be made, for example in cross-referencing each other's decisions and in maximizing the impact of the decisions and recommendations of both systems. The President of the Commission also discussed with the treaty body Chairs the common challenge of processing a large and increasing volume of individual complaints.

55. On 3 June 2016, the treaty body Chairs adopted a press statement with the Coordination Committee of the special procedures of the Human Rights Council on the financial crisis facing the Inter-American Commission on Human Rights, calling on all governments and human rights stakeholders in the Americas to provide the necessary funds to save the Commission (see annex II).

C. Consultation with civil society organizations

56. The Chairs met with civil society organizations to explore ways and means of strengthening their engagement with the treaty bodies in the course of the State party review, and to discuss the role of civil society in following up at the national level on recommendations and decisions emanating from the treaty bodies. A number of written submissions by civil society organizations were also received.

57. In a joint statement, nine civil society organizations encouraged the Chairs to seek broad dissemination of the note by the Secretariat on timely, late and non-reporting prepared for the Chairs' meeting. They also called on those treaty bodies that did not have a dedicated procedure to deal with late and non-reporting States to adopt one, in line with existing good practices by other treaty bodies, and called on all treaty bodies to review States in the absence of a report. They further encouraged all treaty bodies to consider offering the simplified reporting procedure for initial reports in addition to periodic reports, and to systematically request meetings with representatives of late and non-reporting States to convey their concern.

58. Participants welcomed the adoption by seven treaty bodies of the San José guidelines and expressed the hope that the remaining treaty bodies would adopt the guidelines without further delay. They also stressed the importance for treaty bodies to actively investigate and follow up on cases of reprisals, and called for the creation of a common database that would regroup cases of reprisals, which would enable better coordination across treaty bodies and with the wider United Nations human rights system. They also asked treaty bodies to take steps to avoid or mitigate what they perceived as the potential problem posed by the presence of government-organized non-governmental organizations in the work of the treaty bodies which, it was alleged, created a risk of exposing and endangering genuine human rights defenders.

59. With respect to working methods, participants welcomed the endorsement by the Chairs at their twenty-seventh meeting of a common methodology for the consultation process regarding draft general comments as an important step towards making the work of treaty bodies more accessible to all stakeholders. Pointing to the good practice that existed in some treaty bodies of posting a note on the website that clearly set out the consultation process for each draft general comment, it was requested that all treaty bodies adopt such a practice.

60. Participants also welcomed the OHCHR treaty body capacity-building programme and the publication by OHCHR of a practical guide on national mechanisms for reporting and follow-up. Several participants also called on the treaty bodies to adopt and enhance follow-up procedures.

61. On the issue of individual communications, participants expressed the need to clarify the role of third-party interventions in individual communications.

62. The Chairs welcomed the valuable contribution of civil society organizations to the work of the treaty bodies and called on civil society to continue to actively participate in State party reviews and individual complaints procedures as well as in the implementation of recommendations and views from the treaty bodies.

D. Consultation with United Nations entities

63. The Chairs met with representatives of the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the Special Representative of the Secretary-General on children in armed conflict, Leila Zerrougui. The Special Representative of the Secretary-General submitted that a firm partnership had developed over the years between her mandate and the treaty bodies, in particular the Committee on the Rights of the Child. She highlighted that such cooperation could be still further strengthened and systematized, including with respect to mainstreaming children's rights in peace accords.

64. The representatives of the various United Nations entities and specialized agencies referred to their experiences in cooperating with the treaty bodies, particularly the preparation of input for State party reviews. UN-Women highlighted its support for the Committee on the Elimination of Discrimination against Women and its capacity-building efforts for States in the reporting process. With regard to the Sustainable Development Goals, UN-Women was advocating for recommendations emanating from the human rights mechanisms to guide the implementation by States of the 2030 Agenda for Sustainable Development. The question was raised regarding treaty body involvement in the monitoring of the Goals. UNICEF reported that it had reoriented its submissions to the Committee on the Rights of the Child, seeing the 2030 Agenda as an opportunity to enhance coherence between the two reporting processes. UNFPA highlighted that it had provided input into general comment No. 22 of the Committee on Economic, Social and Cultural Rights on the right to sexual and reproductive health.

65. The Chairs stated that the treaty body members greatly benefited from the oral and written briefings by United Nations entities and encouraged them to continue contributing to State party reviews. However, the Chairs also expressed concern regarding the lack of contributions in the areas of economic, social and cultural rights, the rights of migrant workers and the rights of persons with disabilities.

66. The Chairs further highlighted multiple forms of discrimination and encouraged United Nations entities to consider them when engaging with the treaty bodies. In particular, there was room to strengthen the gender analysis in the work of all treaty bodies. In addition, the Chairs expressed concern regarding the practice by some United Nations entities of hiring consultants to prepare State party reports to the treaty bodies when that practice occurred without ensuring participatory national dialogue and genuine involvement of State officials in the reporting process.

67. Participants also discussed ways to enhance the follow-up to and impact of State party reviews by treaty bodies, highlighting the potential for increased synergies between the treaty bodies' normative work and the implementation of treaty bodies' recommendations by States with the support of United Nations entities.

XI. Other matters

68. A representative of the Office of the Secretary-General gave an overview of the Human Rights Up Front initiative.

69. The Chairs provided an update of their intersessional work on the Sustainable Development Goals, including their joint contribution to the high-level political forum. They spoke of the need to continue to closely follow the accountability framework for the implementation by States of the commitments made in the 2030 Agenda for Sustainable Development.

70. The Chairs also discussed the need to increase the visibility and knowledge of the work of treaty bodies among States, civil society and United Nations entities. Against that background, the Chairs adopted a statement on the anniversaries of several treaties (see annex I).

71. In the light of General Assembly resolution 68/268, and in particular of the call by States parties to strengthen interaction with them in New York and of the 2020 review of the resolution by the Assembly, the Chairs decided to hold the annual Chairs' meetings leading up to 2020 in New York. The Chairs also emphasized the importance of strengthening their interaction with the Secretary-General.

XII. Decisions and recommendations

72. The Chairs expressed their gratitude to the Human Rights Institute of Columbia Law School for hosting the first day of meetings and for facilitating an informal dialogue with the President of the Inter-American Commission on Human Rights.

A. Role of the Chairs in the area of working methods and the follow-up to General Assembly resolution 68/268

73. The Chairs reiterated the commitment of the treaty bodies to continue to review good practices in the area of working methods and rules of procedure. They also reiterated their support for strengthening and enhancing the effective functioning of the treaty body system as reflected in General Assembly resolution 68/268. The Chairs recalled that effective follow-up to that resolution depended on a constructive partnership among all stakeholders.

74. In that context, the Chairs recalled the encouragement by the General Assembly to the treaty bodies to continue to enhance the role of the Chairs in relation to procedural matters, including with respect to formulating conclusions on issues related to working methods, generalizing good practices and methodologies across all treaty bodies, ensuring coherence across the treaty bodies and standardizing working methods.

75. Welcoming all initiatives that seek to collect innovative ideas in the light of the 2020 review of the treaty body system by the General Assembly, in accordance with paragraph 41 of resolution 68/268, the Chairs recommended that the views of the treaty bodies and their Chairs be sought at all stages of those processes.

76. While welcoming the improvements resulting from resolution 68/268, the Chairs reiterated the need for OHCHR to have the material and human resources necessary for the treaty bodies to perform their work as required by the treaties. The Chairs also noted that the rigorous application of word limits on documentation occasionally made their work more difficult and that the lack of translation of some documents into all working languages caused serious difficulties.

B. Ratification and reporting compliance by States

77. The Chairs called for the universal ratification by States of international and regional human rights treaties. Welcoming the note by the Secretariat on timely, late and non-reporting by States parties to the human rights treaty bodies, the Chairs expressed concern regarding the large number of States whose reports were still overdue and the protection gap that created for right-holders.

78. The Chairs encouraged all States facing capacity constraints to solicit the technical assistance and advisory services of the OHCHR treaty body capacity-building programme, created under General Assembly resolution 68/268 to develop capacities by States to implement the treaties and which specifically provides technical assistance to States for reporting to the treaty bodies.

79. The Chairs expressed concern regarding the increasing use of consultants to draft State party reports to the treaty bodies without ensuring that the State party report was the result of a participatory national dialogue and assessment of the implementation of human rights treaty provisions.

80. The Chairs recommended that all treaty bodies, as appropriate, promote the simplified reporting procedure as a means to improve reporting compliance by States parties. In that regard, the Chairs recommended that the treaty bodies adopt similar modalities for the simplified reporting procedure and, when required, harmonize their procedures.

81. The Chairs further recommended that treaty bodies consider recommending to States that they establish national mechanisms for reporting and follow-up, considering that the States that have established such national mechanisms have increased their ability to report and engage with the international and regional human rights systems.

82. In addition, the Chairs suggested that treaty bodies consider, in the absence of a State party report, the review of States parties whose reports are very long overdue, which is an already existing practice in some treaty bodies. In the case of a review in the absence of a State party report, the State party should still be encouraged to appoint a delegation to participate in the constructive dialogue.

83. The Chairs requested the Chair of the twenty-eighth meeting to inform the General Assembly of overdue reports to the treaty bodies along with a request to incorporate an item on that subject in the agenda of the Assembly.

84. The Chairs reaffirmed the decision taken at previous meetings to include reporting compliance by States parties as a standing item on the agenda of the

annual meeting of the Chairs. They further requested OHCHR to continue to update the statistics on reporting compliance by States on its website.

C. Implementation of the guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines)

85. The Chairs appreciated the broad support for the Addis Ababa guidelines on the independence and impartiality of treaty body members and recommended that the implementation and use by all treaty bodies of the guidelines be ensured.

86. The Chairs also reiterated that States should refrain from nominating or electing persons to the treaty bodies whose independence and impartiality was compromised by the political nature of their affiliation with the executive branch of the State.

87. Members of treaty bodies should consequently avoid functions or activities which could be, or could be seen by a reasonable observer to be, incompatible with the obligations and responsibilities of independent experts under the relevant treaties. Encouraging further harmonization, the Chairs highlighted the measures put in place by different treaty bodies to ensure that all members continued to carry out their functions independently and impartially, and were also seen to do so.

D. Implementation of the guidelines against intimidation or reprisals (San José guidelines)

88. The Chairs appreciated the broad support for the San José guidelines against intimidation or reprisals and recommended that the implementation and use by all treaty bodies of the guidelines be ensured.

89. The Chairs also welcomed the appointment of rapporteur(s) or focal point(s) on reprisals in the respective treaty bodies and encouraged them to work together to align the approaches taken to prevent and protect individuals and groups against intimidation or reprisals in order to enhance consistency across the treaty body system, including through meetings as appropriate.

90. The Chairs also reaffirmed their decision, first made at their twenty-sixth meeting, to include reprisals as a standing item on the agenda of the annual meeting of the Chairs.

E. Common core documents

91. The Chairs underscored the importance of streamlined, focused and up-to-date common core documents and encouraged States parties to make use of the possibility to present an addendum to their existing common core document.

F. Engagement of national human rights institutions with the treaty bodies

92. The Chairs acknowledged the vital role of national human rights institutions, in accordance with the Paris Principles, with regard to the protection and promotion of human rights and the long-standing cooperation between treaty bodies and national human rights institutions. Following their constructive engagement with the Chair of the Global Alliance of National Human Rights Institutions during their twenty-eighth meeting, the Chairs decided to consider a common treaty body approach to engagement with national human rights institutions at their twenty-ninth meeting.

G. Remedies

93. The Chairs had an exchange of views with respect to the practices in the area of remedies in the different treaty bodies and encouraged the meeting of Chairs to continue that dialogue.

H. Inquiries

94. The Chairs had an exchange of views with respect to the practices in the area of inquiries in the different treaty bodies and encouraged the meeting of Chairs to continue that dialogue.

I. Follow-up to the proposals by the Chairs at their twenty-seventh meeting to the Inter-American Commission on Human Rights

95. The Chairs welcomed their continued engagement with the Inter-American Commission on Human Rights and adopted a press statement with the Coordination Committee of the special procedures of the Human Rights Council on the financial crisis facing the Commission.

J. Treaty anniversaries

96. The Chairs adopted a statement on the occasion of the anniversaries of human rights treaties in 2016. They agreed to issue future statements on the tenth, twenty-fifth and fiftieth anniversaries of the adoption of human rights treaties.

K. 2030 Agenda for Sustainable Development

97. The Chairs welcomed their intersessional work on the Sustainable Development Goals and the joint contribution in that regard to the high-level political forum. They decided to continue to closely follow the accountability framework for the implementation by States of the commitments made in the 2030 Agenda for Sustainable Development.

L. Agenda, location and Chair of the twenty-ninth meeting of treaty body Chairs

98. The Chairs decided to include the following items on the agenda of their twenty-ninth annual meeting:

(a) Follow-up to General Assembly resolution 68/268;

(b) Reporting compliance by States parties;

(c) Follow-up to concluding observations, decisions and views;

(d) Implementation of the Addis Ababa guidelines;

(e) Implementation of the San José guidelines;

(f) Development of a common treaty body approach to engaging national human rights institutions;

(g) Treaty bodies and the Sustainable Development Goals;

(h) Strategies for the visibility of the treaty body system;

(i) Remedies;

(j) Inquiries;

(k) Any other business.

99. The Chairs decided, in the light of General Assembly resolution 68/268, and in particular of the call by States parties to strengthen interaction with them in New York and of the 2020 review of the resolution by the Assembly, to hold the annual Chairs' meetings leading up to 2020 in New York. In that context, they also expressed the wish to strengthen their relationship with the Secretary-General.

100. The Chairs decided that, in accordance with the principle of rotation, the Chair of the twenty-ninth meeting of Chairs in 2017 would be the Chair of the Committee on Economic, Social and Cultural Rights and the Vice-Chair would be the Chair of the Committee on the Elimination of Racial Discrimination.

Annex I

Statement of the 28th Meeting of Chairpersons of UN Human Rights Treaty Bodies on the occasion of the Anniversaries of Human Rights Treaties in 2016

The Chairpersons of the UN Human Rights Treaty Bodies, representing 172 independent human rights experts, celebrate the anniversary of the adoption of four human rights treaties whose contribution in the field of promotion and protection of human rights has been significant:

- The 50th anniversary of the International Covenant on Economic, Social and Cultural Rights
- The 50th anniversary of the International Covenant on Civil and Political Rights
- The 10th anniversary of the International Convention on the Rights of Persons with Disabilities
- The 10th anniversary of the International Convention for the Protection of All Persons from Enforced Disappearance

The Chairpersons call on States that are not yet Parties to all UN human rights core treaties and protocols, or have not made a declaration accepting the mechanism contained therein, to do so, joining universal agreements on these matters that define standards of promotion and protection of human rights for all people, without exception.

The Chairpersons recognize the important contribution of civil society and other stakeholders, such as UN agencies and national human rights institutions, to the work of the UN human rights treaty bodies.

The Chairpersons also reiterate the link between human rights and the 2030 Sustainable Development Agenda, which is reflected in the work of the human rights treaty bodies.

The Chairpersons of the UN human rights treaty bodies invite the international community in different parts of the world to join these celebrations during 2016, reinforcing the process of effective implementation of all human rights treaties which give strength to a 21st century based on the full respect for the human person.

Committee on the Elimination of Racial Discrimination

Human Rights Committee

Committee on Economic, Social and Cultural Rights

Committee against Torture

Subcommittee on Prevention of Torture

Committee on the Elimination of Discrimination against Women

Committee on the Rights of the Child

Committee on the Rights of Persons with Disabilities

Committee on the Protection of all Migrant Workers and Members of Their Families

Committee on Enforced Disappearances

Annex II

Press release on the financial crisis of the Inter-American Commission on Human Rights

"We cannot let it go bankrupt" — Two key UN rights bodies urge crucial funding for regional rights organ

GENEVA (3 June 2016) — *The two largest independent bodies and mechanisms in the United Nations human rights system* express their grave concern about the future of the Inter-American Commission on Human Rights (IACHR) as it faces a financial crisis that threatens its existence.*

The Coordination Committee of Special Procedures and the Chairpersons of Human Rights Treaty Bodies call on all Governments and human rights stakeholders in the Americas to provide the necessary funds to save one of the leading regional rights systems.

"The Inter-American Commission on Human Rights is in crisis, deep financial crisis. A crisis so acute that it was compelled to put on hold all the visits and the two sessions planned for later this year. In addition, 40 per cent of its staff in Washington will not have their contracts renewed at the end of July, unless funds or pledges are received by 15 June.

Such drastic measures will inevitably endanger the capacity of the Commission to effectively and independently implement its mandate.

Should no solutions be found urgently, the impact on victims, petitioners and the broader civil society, as well as the whole human rights situation in the region, would be unmeasurable.

The IACHR is one of the oldest regional human rights bodies. It has developed over the years a solid mechanism for protecting hundreds of thousands of individuals against human rights violations. It has also provided invaluable guidance to States on how to promote and protect human rights.

All of this has no equivalent in monetary terms. States should value this much higher than the amount needed to avoid this unprecedented weakening of the IACHR.

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* ***The UN human rights mechanisms:***
Special Procedures *— the largest body of independent experts in the UN Human Rights system — is the general name of the independent fact-finding and monitoring mechanisms of the Human Rights Council that address either specific country situations or thematic issues in all parts of the world. Special Procedures experts work on a voluntary basis; they are not UN staff and do not receive a salary for their work. They are independent from any government or organization and serve in their individual capacity. For more information, log on to: http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx.*
The Human Rights Treaty Bodies *are committees of independent experts that monitor implementation of the core international human rights treaties. Each State party to a treaty has an obligation to take steps to ensure that everyone in the State can enjoy the rights set out in the treaty. There are ten human rights treaty bodies composed of independent experts of recognized competence in human rights, who are nominated and elected for fixed renewable terms of four years by State parties. The experts are independent from any government or organization and serve in their individual capacity. Learn more, log on to: http://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx.*

This will not only negatively affect the Inter-American region but also all those who have developed cooperation with the IACHR over the years, in particular other regional and international human rights protection systems.

The IACHR is a well-respected and valued partner for the UN human rights mechanisms, particularly Special Procedures and Treaty Bodies. The UN human rights mechanisms have taken crucial inspiration from the forward-looking and ground-breaking work of the IACHR and its unrelenting commitment in promoting and protecting human rights in the region.

The twenty-first century should be characterized by strong support from States, regional and universal organizations to international bodies for the protection of human rights, including the provision of sufficient human and material resources to effectively fulfil their mandate. No budgetary reason can justify the weakening of international and regional mechanisms that monitor human rights.

A strong and independent regional human rights mechanism is a key ally for the UN human rights protection system. The very fact that the IACHR is threatened in its core mandate and function by a financial crisis is unacceptable.

However, this crisis can be resolved.

We call on all States to urgently pledge the funds necessary for the IACHR, without any conditions, to resume its work for the benefit of all in the region, in line with their international and regional human rights obligations. We also call on other stakeholders to come forward with financial resources to support the Commission.

We simply cannot let it go bankrupt."